

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PETER J. SMITH,)
)
Plaintiff,)
)
v.) 2:06-CV-00118-WKW
)
ALABAMA DEPARTMENT OF)
TRANSPORTATION,)
)
Defendant.)

ORDER

On March 17, 2006, the Defendant filed a *Motion to Dismiss* (Doc. 7) the Plaintiff's claim.

Pursuant to the assigned District Judge's referral of this case for action or recommendation on all pretrial matters , it is

ORDERED that the Plaintiff shall file a response to the Motion, not later than April 10, 2006, to show therein any cause why the Defendant's *Motion to Dismiss* should not be granted.

The pro se plaintiff is advised that if he fails to file any response, the court will proceed to decide the merits of Defendant's contention that the complaint – dated February 3, 2006, but not filed until February 7, 2006 – “is procedurally barred and due to be dismissed . . . as it was not filed until the 94th day after [his] receipt of the right-to-sue letter” from the Equal Employment Opportunity Commission on November 5, 2005.

Done this 20th day of March, 2006

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE